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ORDER IN COUNCIL.

EXTRADITION TREATY.—BELGIUM.

Windsor, 27th November, 1896.

AT the Court at *Windsor*, the 27th day of *November*, 1896.

PRESENT,

The QUEEN's Most Excellent Majesty.
Lord President.
Lord George Hamilton.
Lord Arthur Hill.
Sir Horace Rumbold.

WHEREAS by the Extradition Acts, 1870 to 1895, it was amongst other things enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

And whereas a Convention was concluded on the twenty-seventh day of August, one thousand eight hundred and ninety-six, between Her Majesty and His Majesty the King of the Belgians amending certain Articles of the Extradition Treaty of the twentieth of May, one thousand eight hundred and seventy-six, for the mutual extradition of fugitive criminals, which Convention is in the terms following:—

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of the Belgians, being desirous to render more efficacious the provisions of Articles II and IV of the Treaty between Great Britain and Belgium of the 20th May, 1876, for the mutual extradition of fugitive criminals, have named as their respective Plenipotentiaries for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Most Honourable Robert Arthur Talbot Gascoyne Cecil, Marquess of Salisbury, Earl of Salisbury, Viscount Cranborne, Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, Member of Her Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs, &c., &c.;

And His Majesty the King of the Belgians, Baron Whettnall, Commander of the Order of Leopold, Grand Cross of the Order of St. Gregory, Commander of the Order of Charles III of Spain, Knight of the second class of the Iron Crown of Austria, Commander of the Order of Villa Viçosa of Portugal, Commander of the Oaken Crown of Luxemburg, Knight of the Netherland Lion, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James's, &c., &c.;

SA Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et Sa Majesté le Roi des Belges, désirant rendre plus efficaces les stipulations des Articles II et IV du Traité du 20 Mai, 1876, entre la Grande-Bretagne et la Belgique pour l'extradition réciproque des criminels fugitifs, ont nommé pour leurs Plénipotentiaires respectifs dans ce but, à savoir:

Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, le Très Honorable Robert Arthur Talbot Gascoyne Cecil, Marquis de Salisbury, Comte de Salisbury, Vicomte Cranborne, Pair du Royaume-Uni, Chevalier du Très Noble Ordre de la Jarretière, Membre du Très Honorable Conseil Privé de Sa Majesté, Principal Secrétaire d'État de Sa Majesté au Département des Affaires Étrangères, &c., &c.;

Et Sa Majesté le Roi des Belges, le Baron Whettnall, Commandeur de l'Ordre de Léopold, Grand Croix de l'Ordre de Saint Grégoire, Commandeur de nombre de l'Ordre de Charles III d'Espagne, Chevalier de deuxième classe de la Couronne de Fer d'Autriche, Commandeur de l'Ordre de Villa Viçosa de Portugal, Commandeur de la Couronne de Chêne de Luxembourg, Chevalier du Lion Néerlandais, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté près la Cour d'Angleterre, &c., &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ARTICLE I.

The text of Article II of the Extradition Treaty of the 20th May, 1876, is amended by the substitution of the words "a Magistrate" for the words "the police Magistrate who issued the warrant, or some other police Magistrate in London," in the first sentence of the third paragraph (fourth in French text) of section I, and by the omission of the word "police" in the second sentence of the said paragraph, and in both paragraphs of section II.

ARTICLE II.

The text of Article IV of the aforesaid Treaty is amended by the substitution of the words "a Magistrate" for the words "a police Magistrate in London."

ARTICLE III.

The text of Article VII of the aforesaid Treaty is amended by the omission of the word "police."

ARTICLE IV.

The present Convention shall be ratified, and the ratifications shall be exchanged as soon as possible.

It shall come into force ten days after its publication in the manner prescribed by law in the respective countries, and shall have the same force and duration as the Treaty to which it relates.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done in duplicate at London, the 27th day of August, 1896.

(L.S.) SALISBURY.
(L.S.) Bn. WHETTNALL.

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit :—

ARTICLE I.

Le texte de l'Article II du Traité d'Extradition du 20 Mai, 1876, est modifié par la substitution des mots "un Magistrat" aux mots "le Magistrat de police qui a lancé le mandat ou devant un autre Magistra de police à Londres," dans la première phrase du 3e paragraphe du texte Anglais (du 4 paragraphe du texte Français) de la section I, et par la suppression des mots "de police" dans la seconde phrase du dit paragraphe, et dans les deux paragraphes de la section II.

ARTICLE II.

Le texte de l'Article IV du dit Traité est modifié par la substitution des mots "un Magistrat" aux mots "un Magistrat de police à Londres."

ARTICLE III.

Le texte de l'Article VII du dit Traité est modifié par la suppression des mots "de police."

ARTICLE IV.

La présente Convention sera ratifiée et les ratifications en seront échangées aussitôt que possible.

Elle entrera en vigueur dix jours après sa publication dans les formes prescrites par la législation des pays respectifs et elle aura la même force et la même durée que le Traité auquel elle se rapporte.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leur sceau.

Fait en double à Londres, le 27 Août, 1896.

And whereas the ratifications of the said Convention were exchanged at London on the thirtieth day of September, one thousand eight hundred and ninety-six.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the eleventh day of December, one thousand eight hundred and ninety-six, the said Acts shall apply in the case of Belgium, and of the said Convention with His Majesty the King of the Belgians, and of the said Extradition Treaty as modified by the said Convention.

Provided always that the operation of the said Acts shall be and remain suspended within the Dominion of Canada so long as an Act of the Parliament of Canada passed in one thousand eight hundred and eighty-six, and entitled "An Act respecting the Extradition of Fugitive Criminals," shall continue in force there, and no longer.

C. L. Peel.

(*Extract from the London Gazette of Tuesday, December* 1, 1896.)

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